

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DANIEL H. MANTLE,

Plaintiff,

vs.

Civil Action 2:09-CV-633  
Judge Smith  
Magistrate Judge King

UNITED STATES SUPREME COURT,

Defendant.

ORDER

Plaintiff has filed a complaint against the United States Supreme Court asking that this Court "fix the Roe v. Wade law. . . ." On July 22, 2009, the United States Magistrate Judge recommended that the action be dismissed on the basis of sovereign immunity. *Order and Report and Recommendation*, Doc. No. 2. This matter is now before the Court on plaintiff's objection to that recommendation, which the Court will consider *de novo*. See 28 U.S.C. §636(b); F.R. Civ. P. 72(b).

The United States and its agencies cannot be sued unless there is an express waiver of sovereign immunity. See *United States v. Sherwood* 312 U.S. 584 (1941). Plaintiff's objection is **DENIED**. The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**.

This action is hereby **DISMISSED** for lack of subject matter jurisdiction.

The Clerk shall enter **FINAL JUDGMENT** in this case. Moreover, the Court concludes that an appeal from this final judgment would not be taken in good faith. See 28 U.S.C. §1915(a).

s/George C. Smith  
George C. Smith, Judge  
United States District Court